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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/961,344	09/25/2001	Ghislain Lete	214174US2	5880

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EXAMINER

ROBERTS, BRIAN S

ART UNIT	PAPER NUMBER
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2662

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/961,344	Applicant(s) LETE, GHISLAIN	
	Examiner Brian Roberts	Art Unit 2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/25/2001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-10 have been examined.

Specification

1. The abstract of the disclosure is objected to because in line 13 "Le" should read --The--. Correction is required. See MPEP § 608.01(b).

Claim Objections

2. The claims are objected to because they include reference characters are not enclosed within parentheses.

Reference characters corresponding to elements recited in the detailed description of the drawings and used in conjunction with the recitation of the same element or group of elements in the claims should be enclosed within parentheses so as to avoid confusion with other numbers or characters which may appear in the claims. See MPEP § 608.01(m).

- In reference to claim 1

The applicant indicates steps a-d. However, "b)" (lines 13-14) is not a step. Delete the "b)" in line 13 and change step "c)" in line 15 to --b)-- and step "d)" in line 17 to --c)--. Appropriate correction is required.

- In reference to claim 1 and 7

The applicant is inconsistent when referring to Ri. The applicant refers to "relays Ri" and then to "relay stations Ri". Appropriate correction is required.

- In reference to claims 3-5

"either of claims 1 and 2" should read --either of claims 1 or 2--. Appropriate correction is required.

- In reference to claims 9

"either of claims 7 and 8" should read --either of claims 7 or 8--. Appropriate correction is required.

- In reference to claims 6 and 10

3. Claims 6 and 10 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim depends on another multiple dependent claim. See MPEP § 608.01(n). For purpose of examination, the examiner assumes claim 6 depends on claim 4 and claim 10 depends on claim 4.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claims 1-10 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- In reference to claims 1 and 7

Claims 1 and 7 are unclear because subgroups are shown to comprise of groups. Convention states that groups are comprised of subgroups.

- In reference to claims 3 and 4

Claims 3 and 4 introduce the elements "RGj", "Gj", and "RGj". There is insufficient antecedent basis for these elements in the claims.

- In reference to claim 4

6. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. In claim 1, resources RGi are allocated to the stations in the group {Gi}. Claim 4 discloses a station associated with resources RGi not belonging to the group {Gi}. It is unclear how a station can be associated with a resources RGi not belonging to the group {Gi} if the resources RGi are allocated to group {Gi} in claim 1.

- In reference to claims 2, 5, 6 and 8-10

Claims 2, 5, 6 and 8-10 are rejected due to dependence from the parent claims.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-5 and 7-9, as best understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Suonvieri (US 6718158 B1).

- In reference to claim 1

In Figure 1 and 2, Suonvieri teaches a communications system and method comprising:

- Associating an O&M (dummy station Fgi) to a BSC (group {Gi}), the O&M comprising of different resources allocated to the BTSs (stations Si) (column 3 lines 2-7) (column 3-4 lines 62-3)
- A repeater (relay Ri) to keep/restore communications involving the Mobile Stations, the BTSs, and BSCs
- Reallocate resources of the O&M (dummy station Fgi) to the repeater (relay stations Ri) (column 3-4 lines 62-3)

- In reference to claim 2

Suonvieri teaches an O&M for allocating resources. (column 3 lines 2-7) (column 3-4 lines 62-3)

- In reference to claim 3 and 4

Suonvieri teaches a repeater (relay R_i) with different resources for each BSC being used by a plurality of BSCs (groups $\{G_i\}$, $\{G_j\}$) wherein the resources are allocated by the O&M. (column 3-4 lines 62-3) (Figure 1, Block B)

- In reference to claim 5

Suonvieri teaches a system and method where the management system may have one communications plan for each BSC, and can change the settings for each repeater. (relay station R_i) (column 3-4 lines 62-3) (column 5 lines 2-30)

- In reference to claim 7

In Figure 1 and 2, Suonvieri teaches a communications system and method comprising:

- Connecting an O&M (dummy station F_{gi}) to a BSC (group $\{G_i\}$), the O&M comprising of different resources allocated to the BTSs (stations S_i) connected to the BSC (group $\{G_i\}$) (column 3 lines 2-7) (column 3-4 lines 62-3)
- An O&M capable of determining how the structure of the group changes (column 5 lines 31-44)

- A repeater (relay Ri) to keep/restore communications between the Mobile Stations and the BTSs
- An O&M capable of reallocating resources to the repeaters (relay stations Ri) (column 3-4 lines 62-3)

- In reference to claim 8

Suonvieri teaches an O&M for allocating resources. (column 3-4 lines 62-3)

- In reference to claim 9

Suonvieri teaches the repeaters are adapted to receive a communication plan comprising of resources for each BTS in the group. (column 3 lines 2-7) (column 3-4 lines 62-3)

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 6 and 10, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Suonvieri (US 6718158 B1) in view of Geg-Marconi Hazeltine.

- In reference to claim 6

Suonvieri teaches a system and method that covers substantially all limitations of the parent claim. In Figure 1 and 2, Suonvieri teaches the O&M reallocating resources to groups of BSCs connected to BTSs, mobile stations, and repeaters each inherently having a unique ID. (column 3-4 lines 62-3) (column 5 lines 2-30)

Suonvieri does not teach reallocating resources comprising of time reallocation steps.

Geg-Marconi Hazeltine teaches a method of Time Slot Reallocation in a TDMA system.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the system and method of Suonvieri to include the method of Time Slot Reallocation as taught by Geg-Marconi Hazeltine because it would allow the O&M to reallocate time slots to the network elements in a TDMA system with a high priority so that they could have multiple time slots to communicate over.

- In reference to claim 10

Suonvieri teaches a system and method that covers substantially all limitations of the parent claim.

Suonvieri does not teach the system and method for deployments of L16 MIDS land networks.

Geg-Marconi Hazeltine teaches a L16 MIDS land network.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the system and method of Suonvieri for deployments of MIDS

land network as taught by Geg-Marconi Hazeltine because MIDS provides for a secure, resistant to jamming, high capacity network.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure are:

- Rosener et al. (US 2002/0028655 A1) teaches a repeater system for wireless communications applications.
- Suonvieri (US 6571284 B1) teaches a method for integrating repeater management with a network management in a wireless telecommunications network.
- Brain et al. (GB 2327019 A) teaches a data link system with a plurality of relays and a control station.
- Schwendeman et al. (US 5301354) teaches a communications network with a plurality of relays, terrestrial stations, and a control station.


12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Roberts whose telephone number is (571) 272-3095. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BSR
05/25/2005



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